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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 UNITED STATES OF AMERICA,) No. CR 10-00494 EJD
14 Plaintiff,) STIPULATION TO CONTINUE
15 v.) EVIDENTIARY HEARING
16 BRIAN DUNNING,) Date: October 3, 2013
17 Defendant.) Time: 9:00 a.m.
Before The Hon. Edward J. Davila

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19 The parties stipulate as follows:

20 1. The parties would like to continue the date for the evidentiary hearing from the above-
21 scheduled time and date to **Thursday, January 23, 2014, at 9:00 a.m.**

22 2. The reason is to allow the parties to continue to meet and confer in an effort to reach
23 a stipulated loss and restitution figure, as well as to continue to have Mr. Dunning's hearing occur
24 after that of related defendant Shawn Hogan (CR 10-00495 EJD). Mr. Hogan's evidentiary hearing
25 was recently continued to December 11, 2013, primarily to permit the parties to participate in a
26 settlement conference with The Honorable Laurel Beeler, United States Magistrate Judge. In light
27 of the Christmas holiday, the next feasible date for Mr. Dunning's hearing is, the parties respectfully
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STIPULATION AND ORDER

1 submit, the date we have agreed to.

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3 /s/
4 STEPHEN R. COOK, ESQ.
Counsel for Brian Dunning
DATE: September 30, 2013
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6 MELINDA HAAG
United States Attorney
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8 /s/
9 DAVID R. CALLAWAY
Counsel for Plaintiff
DATE: September 30, 2013
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11 **ORDER** [REDACTED]

12 Based upon the foregoing Stipulation and good cause appearing,

13 IT IS HEREBY ORDERED that the evidentiary hearing, if one should prove necessary,
14 in the captioned case is continued to **Thursday, January 23, 2014, at 9:00 a.m.**, before The
15 Honorable Edward J. Davila, United States District Judge. The hearing currently scheduled to
16 occur on October 3, 2013, is hereby VACATED.

17 DATED: 10/1/2013

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19 THE HON. EDWARD J. DAVILA
United States District Judge
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